

Appl. No. : 09/800,096
Filed : March 6, 2001

REMARKS

Claims 1, 2, 4-9, 11-49, and 53 are pending. Applicants have amended Claims 1 and 7. No claim is cancelled. The reasons for the amendments are set forth fully below. Applicants respond below to the comments, objections, and rejections set forth in the Office Action of January 21, 2003.

35 U.S.C. § 112

Claims 1, 8, 14, and 15, and claims dependent therefrom, stand rejected under 35 U.S.C. § 112 for allegedly being indefinite. The Examiner has alleged that the phrase "organyl group" is indefinite.

Applicants respectfully traverse. It is a tenet of patent law that a patentee can be his/her own lexicographer, so long as the patentee's definition does not contradict the definition known in the art. The specification at, page 9, lines 20-34, defines the term "organyl" explicitly. Applicants respectfully submit that those of ordinary skill in the art will find the claims to be definite and clear, given the disclosure set forth in the specification.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the rejection.

37 C.F.R. § 1.75(c)

Claim 4 stands objected to under 37 C.F.R. § 1.75(c) for allegedly being of improper dependent form. The Examiner has objected to the claim for the breadth of the term "substituted."

Applicants respectfully traverse. Throughout the specification substitutions of various substituents are fully described. For example, the aryl substitutions are defined in the specification, namely on page 11, lines 8-19. Therefore, one of ordinary skill in the art having read the specification will understand with what the phenyl groups of Claim 4 are substituted.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

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37 C.F.R. § 1.141(a)

Claim 7 stands objected to under 37 C.F.R. § 1.141(a) for allegedly having more than a reasonable number of species. Applicants have amended Claim 7 and have turned it into an independent claim, consistent with the directive of Richard A. Wahl, cited by the Examiner.

In view of the above, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

Claim 1

Applicants have amended Claim 1 to further clarify that A₁ and A₂ cannot both be unsubstituted phenyl groups.

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CONCLUSION

Applicants have endeavored to respond to all of the Examiners comments and rejections. Applicants respectfully submit that the claims, as amended herewith, are patentable and should be passed to issue. A notice to that effect is respectfully requested.

The present application was originally filed with eleven independent claims. However, fees for only three independent claims were paid. After the present amendments, ten independent claims remain pending. Applicants have enclosed herewith a check for \$588.00 for the seven additional independent claims. If this fee is not correct, please charge any additional fees, including any fees for extension of time, or credit any over payments to Deposit Account No. 11-1410. The Examiner is invited to call Applicant's representative at the number listed below if any issues can be resolved telephonically.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 19, 2003

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